



2025:DHC:413-DB



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 24.01.2025

+ FAO(OS) (COMM) 18/2025
AET LABORATORIES PVT LTD & ANR.Appellants
Through: Mr.Tarun Khurana, Adv

versus

HELSINN HEALTHCARE SARespondent
Through: Mr. Neel Mason, Mr. Vihan
Dang, Mr. Ujjawal Bhargava,
Ms. Shivani Chaudhary,
Mr.Aditya Mathur, Ms.
Anuparna Chatterjee Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE MANOJ JAIN

NAVIN CHAWLA, J. (Oral)

CM APPL. 4699/2025 & CM APPL. 4700/2025 (Exemption)

1. Allowed, subject to all just exceptions.

FAO(OS) (COMM) 18/2025 & CM APPL. 4697-98/2025

2. This appeal has been filed by the appellant, challenging the Order dated 23.12.2024 passed by the learned Single Judge of this Court on I.A.49552/2024 in CS(COMM)1188/2024, titled ***Helsinn Healthcare SA vs. AET Laboratories Pvt Ltd & Anr.***, by which the learned Single Judge, having taken note of the contentions of the respondent herein, passed an *ad interim ex-parte* order of injunction in the following terms:



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“44. Consequently, till the next date of hearing, an ad interim injunction is passed restraining the defendants and all those acting for or on their behalf from commercially launching the infringing product in India without approval of this Court.”

3. The learned counsel for the appellant submits that the Impugned Order is liable to be set aside as it fails to appreciate that no part of cause of action had arisen in India. He further submits that post-grant opposition to the patent of the respondent is also pending adjudication. He raises further objections against the Impugned Order.
4. Issue notice.
5. Notice is accepted by the learned counsel for the respondent.
6. Having heard the learned counsels for the parties that given the nature of the order passed by the learned Single Judge, and especially keeping in view the principles stated in the judgment of the Supreme Court in ***Wandar Ltd. v. Antox India (P) Ltd.***, 1990 Supp SCC 727, we are of the opinion that this is not a case that warrants any interference of this Court at this stage.
7. We dispose of the present appeal in the following terms:
 - a. It shall be open to the appellant to file an application seeking vacation of the *ad interim ex-parte* order of injunction before the learned Single Judge.
 - b. If advance copy of the said application is given to the learned counsel for the respondent with an intimation of the date of its listing, the respondent shall appear on the



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said date waiving a formal notice to be issued on the said date;

- c. The respondent shall also file the reply to the said application within a period of two weeks of the receipt of the copy of the application;
- d. The learned Single Judge shall make an endeavour to dispose of the said application on merit within a period of four weeks of its first listing.

8. The appeal is disposed of in the above terms. We make it clear that we have not expressed any opinion on the merits of the claims of either party.

NAVIN CHAWLA, J

MANOJ JAIN, J

JANUARY 24, 2025/Arya/IK

Click here to check corrigendum, if any